

# Notice of Allowability

Application No.

09/373,625

Examiner

Nga B. Nguyen

Applicant(s)

GRANGER ET AL.

Art Unit

3692

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the communication filed on March 29, 2006.
2. ☒ The allowed claim(s) is/are 1-8,10-18,20-24,26-40,42-57,60-63 and 65-73.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 6/19/06;7/14/06
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### **DETAILED ACTION**

1. This Office Action is the answer to the Amendment filed on June 11, 2007, which paper has been placed of record in the file.
2. Claims **1-8, 10-18, 20-24, 26-40, 42-57, 60-63, and 65-73** are pending in this application.

### ***Examiner's Amendment***

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in the interview with the attorney of record Mr. Richard Neifeld on October 1, 2007.

Amend the claims as: Canceling claim 59.

### ***Allowable Subject Matter/Reasons for Allowance***

4. Claims **1, 29, 43, 60, and 65** are allowed over the prior arts cited records.

The closest prior arts are:

1) Park (US 5,627,549) discloses a vehicle information device and collects information concerning specific geographic points of interest. The operator recalls for display such information, including a display showing direction and distance of travel to a designated geographic point of interest relative to a then-current vehicle location. Dual

Art Unit: 3692

channel advertising is transmitted by voice broadcast and by data broadcast. Upon hearing in the voice broadcast an advertisement of interest, the operator captures the associated data broadcast including, among other detailed text message information, the location of the advertiser. Distance and relative direction of travel from the current vehicle location to the geographic point of interest is thereby presented. Multiple geographic points of interest are stored for selective review whereby the user constructs a database containing locations of particular interest to a particular person.

2) Tracy (US 5,979,757) discloses a portable terminal is used to present advertising messages to the consumer. The central host will detect items scanned by the portable terminal having an associated advertising message or video display. Thus, when a consumer scans a "Coke" can, he may receive the voice message "COKE IS IT." Alternatively, the central host may also maintain a file of the customer's prior purchase records, and detect correlation of purchased items. If such a correlation to a scanned item is identified, the portable terminal may be prompted to display a message reminding the consumer to purchase other associated products or products usually purchased by the consumer but not currently selected. For example, if a consumer purchases hot dogs, the central host may send a message to the portable terminal, "Do you need hot dog buns and mustard" The message would be dependent on the customer's transaction list and prior purchasing history, a positive, response selected, and if the display would show a new page providing cost and location data. In addition, if the customer's prior purchase record indicates that the customer usually buys

Art Unit: 3692

charcoal with hot dogs or hamburgers, the terminal may also ask the customer if he needs "Charcoal."

Therefore, Park in view of Tracy does not make obvious of: a wireless communications device connected to said controller and configured to transmit identity information identifying a person associated with said vehicle and to receive promotional information targeted for said person based on a purchase history of said person; and controller automatically outputs said promotional information to said interior display based on said position data indicating that said vehicle is in a predetermined position in relation to said commercial entity, as included in claims 1, 29, 43, 60, and 65.

5. Claims (2-8, 10-24, 26-28), (30-40, 42), (44-57), (62-63), and (66-73), are allowed because they are dependent claims of the allowable independent claims 1, 29, 43, 60, and 65 above, in that order.

### **Conclusion**

6. Claims 1-8, 10-18, 20-24, 26-40, 42-57, 60-63, and 65-73 are allowed.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Nga B. Nguyen whose telephone number is (571) 272-6796. The examiner can normally be reached on Monday-Thursday from 9:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on (571) 272-6702.

Art Unit: 3692

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-3600.

8. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

P.O. Box 1450

Alexandria VA, 22131-1450

Or faxed to:

(571) 273-8300 (for formal communication intended for entry),

or

(571) 273-0325 (for informal or draft communication, please label

"PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Knox Building, 501 Dulany Street, Alexandria, VA, First Floor (Receptionist).



NGA NGUYEN  
PRIMARY EXAMINER

September 24, 2007